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BEFORE THE PUBLIC UTILITY COMMISSION
OF THE STATE OF HAWAII

In the Matter of the Application of

HAWAIIAN ELECTRIC LIGHT)
COMPANY, INC. for)
Approval of Rate Increases and)
Revised Rate Schedules and Rules)
_____)

DOCKET NO. 05-0315

MOTION TO INTERVENE OF THE
ROCKY MOUNTAIN INSTITUTE

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CERTIFICATE OF SERVICE

PUBLIC UTILITIES
COMMISSION

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FILED

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Telephone 808-329-4360

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MOTION TO INTERVENE OF THE
ROCKY MOUNTAIN INSTITUTE

Pursuant to Hawaii Administrative Rules ("H.A.R.") §6-51-55, this "Motion to Intervene" before the Public Utility Commission ("Commission") of the State of Hawaii in Docket No. 05-0315 is respectfully submitted by the Rocky Mountain Institute.

As grounds for said intervention, Movant avers as follows:

1. Correspondence. All communication concerning this Application is to be addressed to:

Kyle Datta
Rocky Mountain Institute
P.O. Box 390303
Keauhou, HI 96739

2. Movant. Movant name and business address is as follows:

Kyle Datta
Rocky Mountain Institute
P.O. Box 390303
Keauhou, HI 96739

3. Nature of Proceeding. Hawaiian Electric Light Company, Inc. ("HELCO") seeks Commission approval of rate increases and revised rate schedules and rules.

4. Compliance with Applicable Rules. H.A.R. §6-61-55 requires that the Movant satisfy nine criteria for granting the requested intervention. Paragraphs numbered five through thirteen, *infra*, set forth those nine criteria.

A person may make an application to intervene (H.A.R. §6-61-55(a)). Rocky Mountain Institute (“RMI”) is a 501(c)(3) non-profit organization, thus meeting the definition of person under H.A.R. §6-61-2.¹

A motion to intervene in a public utility rate increase case shall be filed no later than ten days after the last public hearing held pursuant to the published notice of the hearing.² The Commission held public hearings on June 27, 2006 and June 28, 2006. The date published in the public hearing to file a timely motion was July 7, 2006. RMI filed its Motion to Intervene on July 7, 2006, thus meeting the requirement that the motion be timely filed.³

5. Nature of Movant’s Right to Participate. The interests of RMI will not be adequately represented by other parties to the proceedings and, as such, RMI is entitled to intervene in this proceeding with the full powers and rights granted, by the Public Utility Commission⁴ and by the Hawaii Administrative Procedure Act⁵, to intervening parties.

¹ “Person” means and includes individuals, partnerships, corporations, associations, joint stock companies, public trusts, organized groups or person, whether incorporated or not, receivers or trustees of the foregoing, municipalities, including cities, counties, or other political subdivisions of the State, or any agency, authority or instrumentality of the state or of any one or more of the foregoing.” H.A.R. §6-61-2.

² H.A.R. §6-61-57

³ “A motion to intervene or participate, to be timely, shall be filed and served as follows: (1) A motion to intervene or participate in a public utility rate increase shall be filed no later than ten days after the last public hearing held pursuant to the published notice of public hearing. The date for filing a timely motion to intervene shall be indicated in the published notice of public hearing.” H.A.R. §6-61-57.

⁴ H.A.R. Title 6, Chapter 61

⁵ H.R.S. Title 8, Chapter 91.

The general rule with respect to intervention is that intervention as a party to a proceeding before the Commission is a matter of the sound discretion of the Commission.⁶ The Commission exercises this discretion under H.A.R. §6-61-55(d), "Intervention shall not be granted except on allegations which are reasonably pertinent to and do not unreasonably broaden the issues already presented."

6. The nature and extent of the applicant's property, financial and other interests in the pending matter. RMI is a non-profit company based out of Colorado with an office in Kailua-Kona, Hawaii. RMI is a HELCO ratepayer and has served on the HELCO Integrated Resource Planning Advisory Group for three years. The issues in this docket directly affect RMI. HELCO proposes to increase our electricity rates. The issues raised in this docket also affect other dockets that RMI is involved in, including the Energy Efficiency Docket (Docket No. 05-0069) and the RPS Workshops. Additionally, this docket will affect the IRP process, which RMI has been involved in for several years, and other energy actions that RMI is involved in. Further, RMI is the lead consultant for the State of Hawaii for 2006 Hawaii Energy Strategy, and the regulatory compact with respect to utility rates, pricing, and renewable power generation is critically important to reducing the State's oil dependence.

As a non-profit organization, our mission is to foster the efficient and restorative use of resources to create a more secure, prosperous, and life-sustaining world. RMI has extensive expertise in ratemaking, energy efficiency, and social equity in the electric utility sector. RMI has been involved in the development of regulations and utility programs for efficiency, renewables, and distributed generation, and participated in many proceedings either independently or as witness for others. RMI has been, and will continue to be active at the State

⁶ In re Hawaiian Electric Co., 56 Haw. 260, 262, 535 P.2d 1102 (1975); see Re Maui Electric Co., Docket No 7000, Decision and Order No. 11668 (June 5, 1992) at 8; Re Hawaii Electric Light Co., Docket No. 6432, Order No 10399 (November 24, 1989) at 5-6.

Legislature regarding energy legislation. This effort is funded by our grants from the Hewlett and Luce Foundations.

RMI supports increasing the use of renewable energy in an environmentally sustainable way; decreasing the County of Hawaii's dependence on foreign oil; and reducing the emission of harmful greenhouse gases into the atmosphere. RMI has been working with Mayor Kim and the County of Hawaii on measures they can take to make the County more sustainable.

It is fundamental to the mission of our organization to provide our expertise to proceedings such as this, particularly because RMI is very familiar with the island of Hawaii's system planning issues. RMI has been on HELCO's advisory committee for three years, and extremely active in HELCO's Integrated Resource Planning process. RMI has taken the lead, on behalf of the HELCO Advisory Group members, in addressing all the substantive issues within the IRP process, from demand, supply resources, fuel forecasts, and integration. Letters from the community in support of RMI's application to intervene in this rate case are attached to our petition.

Although RMI is very involved in all aspects of utility planning and regulation within the State and County of Hawaii, RMI is a non-profit organization, and does not directly profit from any of the issues raised in this rate case. We consider ourselves free of conflicts of interest, and are requesting intervention to further our public policy efforts within the state.

7. The effects of the pending order as to the applicant's interest. RMI is a non-profit organization with an office in Kailua-Kona, Hawaii, and is a HELCO ratepayer. Several employees are HELCO ratepayers. This docket will directly and substantially affect our organization and employees through rate impacts and environmental impacts. RMI employees

live, work and recreate in Hawaii, and are extremely concerned and dedicated to achieving sound energy policy both for the State and the County of Hawaii.

RMI has a mission-based interest in fostering greater efficiency and renewable energy sources within the State and County of Hawaii. The issues raised in this rate case directly impact RMI's ability to achieve its mission within the State, as the rate case includes proposals for:

- Tiered Rate Pricing
- Time of Use Pricing
- Increasing applications of Energy Cost Adjustment Charge (T-17)
- Modification of Net Energy Metering
- Introduction of Renewable Energy and Energy Efficiency Program for Affordable Homes (REEEPAH) Program

8. The other means available whereby the applicant's interest may be protected. None.

9. The extent to which the applicant's interest will not be represented by existing parties.

The existing parties are HELCO and the Division of Consumer Advocacy. The utility cannot adequately represent the interests of RMI. The Consumer Advocate ("CA"), which "protects and advances the interests of consumers of regulated utility and transportation services in regulatory proceedings," cannot adequately represent the interests of RMI for two reasons.

First, the CA has a statutory responsibility to represent, protect, and advance the interest of consumers, including small businesses of utility services.⁷ RMI represents more than the interests of a class of consumers and small businesses. RMI has an overriding interest in reducing fossil fuel dependency and general rate case issues such as revenues, expenses, rate base, rate of return, cost of service and rate design.

⁷ H.R.S. 269-51

Second, the CA has not stated its position. RMI does not know what the CA's opinions and positions are, thus it is imperative that RMI ensure that its interest in reducing fossil fuel dependency and rate designs that promote the expansion of renewable energy are heard in this docket.

There is a reasonable chance that HELCO, the CA and RMI will all have differing opinions on certain issues in this docket. There are many examples Docket No. 05-0069 that illustrate that the CA is not representing RMI's position. A general example of this would be that the CA does not believe in the concept of lost margins (much less recovery) or the provision of shareholder incentives for DSM programs. It is highly unlikely that the CA and RMI will agree on the critical issues within this docket, including tiered rate pricing, time of use pricing, increasing applications of Energy Cost Adjustment Charge, modification of Net Energy Metering and the introduction of Renewable Energy and Energy Efficiency Program for Affordable Homes (REEEPAH) program.

10. The extent to which the applicant's participation can assist in the development of a sound record. The resources and expertise that RMI brings to this docket will assist in creating a record that will allow the Commission to make a well-reasoned decision. RMI is actively involved in the Act 95 Workshops and Docket No. 05-0069 (In the Matter of Hawaiian Electric Company, Inc. For Approval and/or Modification of Demand-Side and Load Management Programs and Recovery of Program Costs and DSM Utility Incentives). If RMI is granted party status, it plans to have several well-informed witnesses testify on pertinent issues. The list of witness includes, but would not be limited to, Kyle Datta, Carl Freedman, Joel Swisher, John Anderson, Jim Lazar and Natalie Mims.

11. The extent to which the applicant's participation will broaden the issues or delay the proceedings. None.

12. The extent to which the applicant's interest in the proceeding differs from that of the general public. The general public has an overall interest in reducing their rates and bills. RMI shares these interests, but in addition, have a critical interest in reducing fossil fuel dependency and ensuring appropriate regulatory treatment of demand side, renewable and distributed resources. See #6 and #7 above.

CERTIFICATE OF SERVICE

I hereby certify that I have on this date served a copy of the foregoing Information
Requests upon the following parties and participant, by hand delivery or by causing a copy
hereof to be mailed, postage prepaid, and properly addressed to each such party or participant.

DIVISION OF CONSUMER ADVOCACY
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
P.O. Box 541
Honolulu, HI 96809

DEAN K. MATSUURA
DIRECTOR, REGULATORY AFFAIRS
HAWAIIAN ELECTRIC COMPANY, INC.
P. O. Box 2750
Honolulu, HI 96840-0001

WARREN LEE
PRESIDENT
HAWAII ELECTRIC LIGHT COMPANY, INC.
P.O. Box 1027
Hilo, HI 96721-1027

THOMAS W. WILLIAMS, JR.
PETER Y. KIKUTA
GOODSILL ANDERSON QUINN & STIFEL
HAWAIIAN ELECTRIC COMPANY, INC.
Alii Place, Suite 1800
Honolulu, HI 96813

Counsel for HECO, HELCO, MECO

A handwritten signature in black ink, appearing to read "E. Kyle Datta", is written over a light gray rectangular background.

E. Kyle Datta

DATED: _____

Elizabeth Cole
P. O. Box 777
Honokaa, Hawaii 96727
808.775.0392 bcole47@hawaiiantel.net

July 4, 2006

The Honorable Chairman and Members of the Hawaii Public Utilities Commission
465 South King Street
Kekuanaoa Building, 1st Floor
Honolulu, Hawaii 96813

Subject: Docket No. 05-0315
HELCO General rate increase and revised rate schedules and rules

Dear Commissioners:

As a member of the Hawaiian Electric Light Company, Inc ("HELCO") Integrated Resource Planning Advisory Group, I would like to inform the Public Utility Commission of Hawaii ("Commission") that the Rocky Mountain Institute ("RMI") has been exceedingly helpful during the three years that it has served on the HELCO Integrated Resource Planning Advisory Group. RMI has taken the lead, on behalf of the HELCO Advisory Group members, in addressing all the substantive issues within the IRP process, from demand, supply resources, fuel forecasts, and integration.

I strongly recommend that the Commission accept RMI's Motion to Intervene and grant it party status in Docket No. 05-0315. I believe that RMI will represent county and community energy issues that would not otherwise be addressed in this docket, and I urge the Commission to consider RMI's broad expertise in energy efficiency, renewable energy and ratemaking structure when reviewing RMI's Motion to Intervene. *It is most important that citizens have this type of independent representation in matters that are so complex and specialized.*

Mahalo for the opportunity to share my opinion on this important matter,

Sincerely,


Elizabeth Cole